

2:76-2A.13 AMP for On-Farm Direct Marketing Facilities, Activities, and Events

(a) This agricultural management practice sets forth the standards for on-farm direct marketing facilities, activities, and events that commercial farms must comply with to receive the protections of the Right to Farm Act (Act), N.J.S.A. 4:1C-1 et seq. These standards are designed to support and protect on-farm direct marketing operations by identifying safe, effective, and economically viable agricultural management practices for commercial farms seeking the protections of the Act.

(b) As used in this section the following words and terms shall have the following meanings:

“Agricultural output of a commercial farm” means the items specified in N.J.S.A. 4:1C-9a. that a commercial farm produces and the value-added or processed products produced from those items, provided that the primary and predominant ingredients used to produce such products are grown or raised by the commercial farm. Examples of unprocessed agricultural output include but are not limited to: fruits, vegetables, nursery stock, bedding plants, cut flowers, Christmas trees, and forest and livestock products. Examples of value-added or processed agricultural output include but are not limited to meat products, dairy products, cider, canned goods, baked goods, prepared foods, cut firewood, and wreaths.

“Agriculture-related educational activities” means on-farm educational offerings that have an agricultural focus and are related to marketing the agricultural or horticultural output of the commercial farm. Such activities are accessory to, and serve to increase, the direct-market sales of the agricultural output of a commercial farm by enhancing the experience of purchasing agricultural products for the purpose of attracting customers to the commercial farm. Examples of agriculture-related educational activities, provided they demonstrate the required relationship to marketing the output of the commercial farm, may include but are not limited to: school trips, hands-on farming activities, educational displays, farm tours, farm task experiences, agriculture-related lectures for clubs, farm open house days, and agriculture-related classes on topics such as but not limited to canning, freezing, cooking with fresh produce, pie making, pruning, beekeeping, and gardening.

“Ancillary entertainment-based activities” means non-agricultural offerings, commonly used as incidental components of on-farm direct marketing activities, that are accessory to, and serve to increase, the direct-market sales of the agricultural output of a commercial farm. Such activities are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products. Examples of ancillary entertainment-based activities include but are not limited to: background music, face painting, story-telling, sandbox area, small swing set or playground equipment, and picnic tables. Such activities may have a fee associated with them, but such fees shall be

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de minimis compared to the income generated from the sale of the agricultural output of the commercial farm.

“Buffer” means a setback distance and/or screening utilized by a commercial farm in conjunction with its on-farm direct marketing facilities, activities, or events.

"Commercial farm" means (1) a farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or (2) a farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

“Community supported agriculture (CSA) operation” means an on-farm direct marketing method in which the retail sale of the agricultural output of a commercial farm is provided through a paid subscription. “CSA market and distribution area” means an on-farm direct marketing facility used by a CSA operation to organize and dispense CSA operation members’ farm product shares and to market products that contribute to farm income.

“Farm-based recreational activities” means recreational offerings that are uniquely suited to occurring on a farm and are related to marketing the agricultural or horticultural output of the commercial farm. Such activities are accessory to, and serve to increase, the direct-market sales of the agricultural output of the commercial farm by enhancing the experience of purchasing agriculture products for the purpose of attracting customers to the commercial farm. Examples of farm-based recreational activities, provided they demonstrate the required relationship to marketing the output of the commercial farm, may include but are not limited to: corn mazes; hayrides and wagon rides; agricultural animal display or petting areas; farm tours; horseback riding; pony rides; hiking; bird watching; sleigh rides; tractor pulls; hunting and fishing; and bonfires. Activities and related infrastructure not considered farm-based recreational activities include but are not limited to: athletic fields; paintball; hot-air ballooning; karting and other similar racetracks; carnival-type amusement rides; and the flying of hobby, private, or commercial aircraft.

"Farm management unit" means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

“Farm market” means a facility used for the wholesale or retail marketing of the agricultural output of a commercial farm, and products that contribute to farm income, except that if a farm market is used for retail marketing at least 51% of the annual gross sales of the retail farm market shall be generated from sales of agricultural output of the

commercial farm, or at least 51% of the sales area shall be devoted to the sale of agricultural output of the commercial farm, and except that if a retail farm market is located on land less than five acres in area, the land on which the farm market is located shall produce annually agricultural or horticultural products worth at least \$2,500.

“On-farm direct marketing” means the on-farm facilities, activities, and events that are used to facilitate and provide for direct, farmer-to-consumer sales of the agricultural output of the commercial farm and products that contribute to farm income.

“On-farm direct marketing activities” means agriculture-related offerings made available by a commercial farm that are accessory to, and serve to increase, the direct-market sales of the agricultural output of the commercial farm. Such activities are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products and include but are not limited to: agriculture-related educational activities; farm-based recreational activities; and ancillary entertainment-based activities.

“On-farm direct marketing events” means agriculture-related functions offered by a commercial farm that are accessory to, and serve to increase, the direct-market sales of the agricultural output of the commercial farm. Such events are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products; may include on-farm direct marketing activities as components; are either product-based or farm-based; and occur seasonally and are non-permanent in nature. Product-based events, provided they demonstrate the required relationship to marketing the output of the commercial farm, may include but are not limited to: an apple, peach, strawberry, pumpkin, wine, or other agricultural or horticultural product festival held at a commercial farm that produces that particular product. Farm-based events, provided they demonstrate the required relationship to marketing the output of the commercial farm, may include but are not limited to: seasonal harvest festivals held at a commercial farm that produces such seasonal farm products, farm open house events, and farm-to-table events that showcase the agricultural output of the commercial farm.

“On-farm direct marketing facility” means a type of farm market including the permanent, temporary, and/or moveable structures, improvements, equipment, vehicles, and apparatuses necessary to facilitate and provide for direct, farmer-to-consumer sales of the agricultural output of the commercial farm and products that contribute to farm income. Such facilities may include various types and sizes of direct marketing operations, including but not limited to: farm stands; farm stores; community supported agriculture (CSA) market and distribution areas; and pick-your-own (PYO) market areas. A facility may include one or more structures or a portion of a structure, and a facility’s structures may also be used for the commercial farm’s other farm purposes, for instance: equipment storage, equipment maintenance, and the production, processing, packaging, and storage of the farm’s agricultural output.

“Pick-your-own (PYO) operation” means an on-farm direct marketing method wherein retail or wholesale customers are invited onto a commercial farm in order to harvest agricultural or horticultural products and purchase them. Examples of PYO operation

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crops include but are not limited to fruits, vegetables, flowers, and Christmas trees. “PYO market area” means an on-farm direct marketing facility used by a PYO operation to set up PYO activities and collect money for PYO crops harvested by customers. PYO market areas may be stand-alone facilities or part of other on-farm direct-marketing facilities.

“Products that contribute to farm income” means the related complementary or related supplementary products that are sold to help attract customers to the farm market through a broadening of the range of products available and an enhancement of the experience of purchasing the agricultural output of the commercial farm.

“Related complementary products” means items commonly used to facilitate the use or consumption of the agricultural output of the commercial farm and promotional items that help market the commercial farm.

“Related supplementary products” means the agricultural output of other farms, and additional customary food and drink items.

“Sales area” means the indoor, outdoor, covered, and uncovered areas of an on-farm direct marketing facility whose primary and predominant use is the display, marketing, and selling of the agricultural output of a commercial farm and products that contribute to farm income. Sales areas do not include: PYO and other production fields; pastures and other areas occupied by livestock on a regular basis; and areas dedicated to farm-based recreational activities. Covered sales areas include sales areas inside structures and sales areas underneath tents, awnings, and other canopies.

“Sanitary facilities” means restrooms or portable toilets.

(c) On-farm direct marketing facilities

1. Municipal site plan review

- i. When establishing a new on-farm direct marketing facility, a commercial farm shall comply with the following site plan requirements should a municipality have adopted site plan review requirements for such facilities:

Size of the new facility (total indoor and/or outdoor covered sales area)	Extent of municipal site plan review
Up to 500 sq. ft.	No formal site plan review
More than 500 sq. ft. and up to 5,000 sq. ft.	Minor site plan review
More than 5,000 sq. ft.	Site plan review

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- ii. A facility that closes seasonally and reopens the following year with the same total square footage of indoor and/or outdoor covered sales area as previously approved by the municipality shall not be considered a new facility.
- iii. When expanding an existing on-farm direct marketing facility, a commercial farm shall comply with the following site plan requirements should a municipality have adopted site plan review requirements for such facilities:

Size of the square footage expansion of the existing facility's indoor and/or outdoor covered sales area	Size of the resulting facility after expansion (total indoor and/or outdoor covered sales area)	Extent of municipal site plan review
N/a	Up to 500 sq. ft.	No formal site plan review
≤20%	More than 500 sq. ft. and up to 5,000 sq. ft.	No formal site plan review
>20%	More than 500 sq. ft. and up to 5,000 sq. ft.	Minor site plan review
≤1,000 sq. ft.	More than 5,000 sq. ft.	No formal site plan review

- iv. Should municipal site plan review requirements exist for on-farm direct marketing facilities, a municipality may waive or reduce such requirements based on a consideration of relevant site-specific elements such as the following: the farm's setting and surroundings; the scale of the facility and intensity of its use; the type and use of the public road on which the facility is located; and the minimum level of improvements necessary to protect public health and safety.
 - v. If a commercial farm believes a municipality's standards are unduly restrictive, or believes a municipality is unreasonably withholding local zoning approval, then the farm may request that the appropriate CADB, or SADC in counties where no CADB exists, make a determination in the matter by requesting a site-specific agricultural management practice pursuant to N.J.A.C. 2:76-2.3 and 2.4.
2. Parking area standards – In the absence of applicable municipal parking requirements, the following standards shall apply:
- i. A facility's parking areas may include areas permanently devoted to parking, areas temporarily devoted to parking, or a combination of such areas. Areas permanently devoted to parking means areas utilized by the facility on a daily basis when the facility is open. Areas temporarily devoted to parking means areas utilized by the facility when additional parking capacity is needed on a

short-term, temporary basis, such as in conjunction with seasonal on-farm direct marketing sales, activities, or events.

- ii. Safe, off-road parking shall be provided. The number of spaces provided shall be sufficient to accommodate the facility's normal traffic volume.
- iii. Ingress and egress points, driveway areas, and parking areas shall be arranged so as to provide for safe traffic circulation. This arrangement shall allow customers to safely pull off of and onto adjacent roadways, and to safely maneuver to and from parking areas and into and out of parking spaces.
- iv. Where applicable, parking areas shall accommodate bus traffic and allow for the safe unloading and loading of bus passengers.
- v. The types of surfaces and any physical improvements associated with areas permanently devoted to parking, such as curbing or landscaping, need not involve greater than the minimum level of improvements necessary to protect public health and safety.
- vi. The following standards shall apply to areas temporarily devoted to parking:
 - (1) Areas temporarily devoted to parking shall require few or no improvements so that they can easily be converted back to productive agricultural use once a farm's need for short-term additional parking ceases;
 - (2) Areas temporarily devoted to parking may include but are not limited to: hay fields, grass fields, pastures, and other crop fields, provided they have vegetative or organic mulch cover such that bare ground fields are not parked on;
 - (3) The slope of the land shall be considered to address issues related to: drainage; puddles and pockets of standing water; and safety;
 - (4) During dry conditions, areas temporarily devoted to parking shall be mowed so that vegetation does not come in contact with the underside of customer vehicles;
 - (5) During wet conditions, areas temporarily devoted to parking shall be managed to provide vehicles and pedestrians with safe and sufficient traction;
 - (6) A commercial farm shall mark, sign, or otherwise indicate where vehicles should be parked.

3. Buffers

- i. A commercial farm may utilize buffers as an effective tool to mitigate the impacts that an on-farm direct marketing facility may pose on adjacent properties, such as noise, dust, and fumes.
- ii. Buffers need not involve greater than the minimum setbacks and/or screening necessary to protect public health and safety and to mitigate unreasonably adverse impacts on adjacent properties.
- iii. When making determinations regarding the necessity or extent of buffers, consideration shall be given to the nature of the existing adjacent property uses and the nature and scale of the farm's facility.
- iv. Newly established facilities' permanent structures and areas permanently devoted to parking shall comply with the following standards:
 - (1) 50-foot front-yard setback from the road right of way;
 - (2) 50-foot side-yard setback from the property line;
 - (3) 50-foot rear-yard setback from the property line;
 - (4) Setbacks of a lesser distance may be permissible provided screening is installed and the combined setback distance and screening arrangement receives approval as a site-specific agricultural management practice pursuant to N.J.A.C. 2:76-2.3 and 2.4;
 - (5) If the distance between a new facility and an existing, occupied residence not located on the farm is less than 100 feet, screening shall be installed.
- v. If an existing or expanded facility's permanent structures and areas permanently devoted to parking are situated at lesser distances than the standards specified in subparagraph iv.(1)-(3) for new facilities, the use of screening for buffer purposes shall be considered. If the distance between an expanded facility and an existing, occupied residence not located on the farm is less than 100 feet, screening shall be installed.
- vi. Screening, when used for buffer purposes, shall consist of vegetation or structures, such as but not limited to: trees, bushes, fences, or walls. If comprised of vegetation, the existing or newly planted materials shall be grown in such a manner that there is 75 percent screening of the facility within five years. If comprised of a fence, wall or another existing farm structure, the fence, wall or other existing farm structure shall be of sufficient height or construction to provide 75 percent screening of the facility.

4. Outdoor sales areas

- i. Outdoor sales areas shall be arranged so as to not interfere with safe traffic circulation.

(d) On-farm direct marketing activities

1. Use of structures or improvements

- i. Existing agricultural structures or improvements may be used in conjunction with the offering of on-farm direct marketing activities, provided this use does not adversely affect the continued use of the structures or improvements for agricultural production purposes.
- ii. New structures or improvements may be constructed and used in conjunction with the offering of on-farm direct marketing activities, provided this construction and use has a negligible impact on the farm's continued use of the land for agricultural production purposes.

- (1) If such structures or improvements are temporary and used in conjunction with a temporary or seasonal activity, the structures or improvements shall be removed within 15 days of cessation of the activity.

2. Land use

- i. On-farm direct marketing activities shall have a negligible impact on the farm's continued use of the land for agricultural production purposes.

3. Overnight lodging

- i. This agricultural management practice shall not be construed to extend Right to Farm protection to overnight accommodations of any kind, including but not limited to lodging and camping.

4. Safety

- i. Visitors shall be provided with any rules or safety procedures associated with the on-farm direct marketing activities offered. This information may be conveyed by farm staff, through posted signs or written handouts, or through other appropriate means, and may include notice that visitors share in the responsibility for their own safety, such as being responsible for awareness of generic risks, using common sense, and wearing farm-appropriate attire.
- ii. Hazardous materials shall be safely stored in a secure location and in compliance with relevant state and federal laws and regulations.

5. Parking areas

- i. If existing parking areas or spaces at an on-farm direct marketing facility are insufficient to accommodate the volume of traffic anticipated for on-farm direct marketing activities, the following standards shall apply to the additional parking areas or spaces:
 - (1) Safe, off-road parking shall be provided. The number of spaces provided shall be sufficient to accommodate the activity's normal traffic volume.
 - (2) Ingress and egress points, driveway areas, and parking areas shall be arranged so as to provide for safe traffic circulation. This arrangement shall allow customers to safely pull off of and onto adjacent roadways and to safely maneuver to and from parking areas and into and out of parking spaces.
 - (3) Where applicable, parking areas shall accommodate bus traffic and allow for the safe unloading and loading of bus passengers.
 - (4) The types of surfaces and any physical improvements associated with areas permanently devoted to parking, such as curbing or landscaping, need not involve greater than the minimum level of improvements necessary to protect public health and safety.
 - (5) Areas temporarily devoted to parking shall comply with applicable standards for on-farm direct marketing facilities at N.J.A.C. 2:76-2A.13(c)2.

6. Buffers

- i. A commercial farm may utilize temporary or permanent buffers as an effective tool to mitigate the impacts an on-farm direct marketing activity may pose on adjacent properties, such as noise, dust, and fumes.
- ii. Buffers need not involve greater than the minimum setbacks and/or screening necessary to protect public health and safety and to mitigate unreasonably adverse impacts on adjacent properties.
- iii. When making determinations regarding the necessity or extent of buffers, consideration shall be given to the nature of the existing adjacent property uses and the nature, scale, and frequency of the on-farm direct marketing activity.

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- iv. Newly established on-farm direct marketing activities shall comply with the following setbacks:
 - (1) 25-foot setback from the road right of way;
 - (2) 50-foot setback from side property lines;
 - (3) 50-foot setback from rear property lines;
 - (4) 100-foot setback between an activity and an existing, occupied residence not located on the farm;
 - (5) Setbacks of a lesser distance may be permissible provided screening is considered and installed, if appropriate, and the combined distance and screening arrangement receives approval as a site-specific agricultural management practice pursuant to N.J.A.C. 2:76-2.3 and 2.4.
- v. If an existing or expanded on-farm direct marketing activity is situated at lesser distances than the standards specified in subparagraph iv. for newly established activities, the use of screening for buffer purposes shall be considered.
- vi. Screening, when used for buffer purposes, shall consist of vegetation or structures, such as but not limited to: trees, bushes, fences, or walls. If comprised of vegetation and if used in conjunction with an activity offered in 2 or more consecutive years, the existing or newly planted materials shall be grown in such a manner that there is 75 percent screening of the activity within five years. If comprised of a fence, wall or another existing farm structure, the fence, wall or other existing farm structure shall be of sufficient height or construction to provide 75 percent screening of the activity.

7. Pick-your-own activities

- i. Visitors shall be informed of any rules to follow and instructed as to which fields they are permitted to harvest;
- ii. Fields open for pick-your-own activities shall be clearly marked;
- iii. Parking areas may be adjacent to or near pick-your-own fields, particularly if such fields are far from the farm's pick-your-own market area;
- iv. Pick-your-own market areas shall comply with applicable standards for on-farm direct marketing facilities at N.J.A.C. 2:76-2A.13(c).

8. Choose-and-cut Christmas tree activities

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- i. Visitors shall be informed of any activity rules and where Christmas trees may be selected and cut;
- ii. Customers may be allowed to cut their own Christmas trees;
- iii. Customers shall not be supplied with power equipment or be permitted to use motorized tree baling equipment;
- iv. Choose-and-cut Christmas tree market areas shall comply with applicable standards for on-farm direct marketing facilities at N.J.A.C. 2:76-2A.13(c).

9. Corn mazes

- i. Visitors shall be informed of any rules associated with the maze, including how to exit the maze in the event of an emergency.
- ii. Farm staff shall walk through the maze periodically, or periodically observe the maze from an elevated location, to check for lost visitors.
- iii. If a maze is open after dark, adequate lighting shall be provided by the commercial farm and/or used by visitors to illuminate the traveled paths.
- iv. No smoking or any other open flames shall be permitted in or near the corn maze.

10. Hayrides and wagon rides

- i. Wagons shall be in good repair and have sideboards to contain occupants.
- ii. A ladder, ramp, footstool, steps or other stable device or component shall be used to assist with safe boarding of and disembarking from wagons.
- iii. When using a tractor to tow wagons, the left and right brakes of the tractor shall be locked together.
- iv. Wagon operators shall:
 - (1) Plan routes in advance;
 - (2) Be familiar with and have experience operating the tractor and wagon equipment;
 - (3) Evenly distribute passengers on the wagons and instruct passengers to remain seated during the ride;
 - (4) Operate wagon equipment in low gears at safe speeds;

(5) Have a valid New Jersey driver's license.

11. Livestock and animal activities

- i. A farm employee or activity attendant shall regularly monitor activities in which visitors may have incidental contact with agricultural animals. Incidental contact includes but is not limited to agricultural animal display or petting areas.
- ii. A farm employee or activity attendant shall be present at all times to monitor activities in which visitors are permitted to have direct contact with agricultural animals. Direct contact includes but is not limited to horseback riding, pony rides, and animal shows, competitions, or demonstrations.
- iii. All agricultural animals having incidental or direct contact with the public shall be observed daily for health problems. Sick animals or animals behaving strangely shall be prevented from having contact with the public.
- iv. Agricultural animals having incidental or direct contact with the public and for which there is a USDA-approved rabies vaccination shall be current on rabies vaccination. Mammalian species for which there is no USDA-approved rabies vaccination are recommended to be vaccinated against rabies.
- v. Hand-sanitizing facilities shall be provided if an activity is offered in which visitors may have incidental or direct contact with agricultural animals. Hand-sanitizing facilities include running water with soap, antibacterial hand wipes, waterless hand sanitizers, and other hand-washing stations.
- vi. Visitors shall be advised not to feed agricultural animals unless the feed has been specifically provided by the farm.
- vii. Visitors shall be advised that pets shall not be allowed in areas with agricultural animal activities unless in connection with a specific agricultural purpose, including but not limited to agricultural animal shows, competitions, or demonstrations.
- viii. The management of animals shall comply with the Animal Welfare Act, 7 U.S.C. 54, and the Humane Treatment of Domestic Livestock regulations, N.J.A.C. 2:8-1.1 et seq., as applicable.

(e) On-farm direct marketing events

1. Use of structures or improvements

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- i. Existing agricultural structures or improvements may be used in conjunction with the offering of on-farm direct marketing events, provided this use does not adversely affect the continued use of the structures or improvements for agricultural production purposes.
- ii. New structures or improvements may be constructed and used in conjunction with the offering of on-farm direct marketing events, provided this construction and use has a negligible impact on the farm's continued use of the land for agricultural production purposes.

(1) If such structures or improvements are temporary and used in conjunction with a temporary or seasonal event, the structures or improvements shall be removed within 15 days of cessation of the event.

2. Land use

- i. On-farm direct marketing events shall have a negligible impact on a farm's continued use of the land for agricultural production purposes.

3. Parking areas

- i. If existing parking areas or spaces at an on-farm direct marketing facility are insufficient to accommodate the volume of traffic anticipated for on-farm direct marketing events, the following standards shall apply to the additional parking areas or spaces:
 - (1) Safe, off-road parking shall be provided. The number of spaces provided shall be sufficient to accommodate the event's normal traffic volume.
 - (2) Ingress and egress points, driveway areas, and parking areas shall be arranged so as to provide for safe traffic circulation. This arrangement shall allow customers to safely pull off of and onto adjacent roadways and to safely maneuver to and from parking areas and into and out of parking spaces.
 - (3) Where applicable, parking areas shall accommodate bus traffic and allow for the safe unloading and loading of bus passengers.
 - (4) The types of surfaces and any physical improvements associated with areas permanently devoted to parking, such as curbing or landscaping, need not involve greater than the minimum level of improvements necessary to protect public health and safety.

- (5) Areas temporarily devoted to parking shall comply with applicable standards for on-farm direct marketing facilities at N.J.A.C. 2:76-2A.13(c)2.

4. Event management plan for significant on-farm direct marketing events

- i. If the expected volume of traffic and visitors for an event is significantly greater than the volume regularly accommodated by a commercial farm's on-farm direct marketing facility, such that the increased volume may unreasonably interfere with the movement of normal traffic or emergency vehicles on- and off-site, the farm shall create and implement a written event management plan to address public health and safety issues such as emergency vehicle access, traffic, and public health management.

- (1) A complete copy of the plan shall be provided to the municipality in which the commercial farm is located at least 10 business days in advance of the event to enable coordination between the farm and municipality that may be necessary regarding emergency vehicle access, traffic, and public health management.

- (2) Emergency vehicle access management includes establishing the manner in which emergency vehicles may access the farm if necessary.

- (3) Traffic management includes:

- [a] Providing safe ingress and egress, vehicular traffic flow, and pedestrian traffic flow;

- [b] Utilizing parking attendants, signs, or other parking-related instructions to facilitate vehicular and pedestrian traffic flow onto, off of, and within the farm. Local police officers may be hired to assist with traffic management;

- [c] Establishing areas temporarily devoted to parking based on the volume of visitors expected;

- [d] Establishing overflow parking areas in the event the planned-for parking capacity is exceeded.

- (4) Public health management includes:

- [a] Providing sanitary facilities to accommodate the volume of visitors expected;

[b] Providing trash and recycling receptacles to accommodate the volume of visitors expected.

- ii. A commercial farm may satisfy the provisions of subparagraph i. by obtaining a special events permit from the municipality in which the commercial farm is located.

5. Buffers

- i. A commercial farm may utilize temporary or permanent buffers as an effective tool to mitigate the impacts an on-farm direct marketing event may pose on adjacent properties, such as noise, dust, and fumes.
- ii. Buffers need not involve greater than the minimum setbacks and/or screening necessary to protect public health and safety and to mitigate unreasonably adverse impacts on adjacent properties.
- iii. When making determinations regarding the necessity or extent of buffers, consideration shall be given to the nature of the existing adjacent property uses and the nature, scale, and frequency of the on-farm direct marketing event.
- iv. Newly established on-farm direct marketing events shall comply with the following setbacks:
 - (1) 25-foot setback from the road right of way;
 - (2) 50-foot setback from side property lines;
 - (3) 50-foot setback from rear property lines;
 - (4) 100-foot setback between an activity and an existing, occupied residence not located on the farm;
 - (5) Setbacks of a lesser distance may be permissible, provided screening is considered and installed, if appropriate, and provided the combined distance and screening arrangement receives approval as a site-specific agricultural management practice pursuant to N.J.A.C. 2:76-2.3 and 2.4.
- v. If an existing or expanded on-farm direct marketing event is situated at lesser distances than the standards specified in subparagraph iv. for newly established events, the use of screening for buffer purposes shall be considered.

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- vi. Screening, when used for buffer purposes, shall consist of vegetation or structures, such as but not limited to: trees, bushes, fences, or walls. If comprised of vegetation and if used in conjunction with an event offered in 2 or more consecutive years, the existing or newly planted materials shall be grown in such a manner that there is 75 percent screening of the activity within five years. If comprised of a fence, wall or existing farm structure, the fence, wall, or other existing farm structure shall be of sufficient height or construction to provide 75 percent screening of the activity.

(f) Hours of operation

1. On-farm direct marketing facilities and activities may be open or offered weekdays, weekends, holidays, seasonally, for part of the year, or year-round.
2. On-farm direct marketing events may be offered weekdays, weekends, holidays, seasonally, or for part of the year.
3. Hours of operation, meaning the time during which a facility, activity, or event is open or offered to the public, may be between 6 a.m. and 10 p.m. These hours may be temporarily extended to 11 p.m. in conjunction with seasonal on-farm direct marketing sales, activities, or events, such as but not limited to Christmas tree sales.

(g) Sanitary facilities

1. A commercial farm shall provide sanitary facilities in the following cases:
 - i. If indoor seating space, outdoor picnic tables, or other areas are made available that enable customers to consume food on-site;
 - ii. If an on-farm direct marketing activity or event promotes customers staying on-site for an extended period of time;
 - iii. If required pursuant to N.J.A.C. 8:24-1.1 et seq., Sanitation in Retail Food Establishments and Food and Beverage Vending Machines.
2. The number of sanitary facilities provided shall be sufficient to accommodate the volume of visitors expected in conjunction with on-farm direct marketing facilities, activities, or events.
3. Sanitary facilities shall be located and managed so as to prevent adverse impacts on adjacent properties, such as odors.

(h) Lighting

1. When an on-farm direct marketing facility, activity, or event is open or offered after dark, a commercial farm shall provide, unless otherwise specified in this agricultural

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management practice, lighting for areas used by customers, such as: walkways, parking areas, sales areas, activity areas, and event areas.

2. All lighting shall be provided with lights focused either downward or in an orientation designed to minimize light spilling off the site and to minimize impacts on adjacent residential buildings and streets. Lights shall not be focused directly onto public roads.
3. Security lighting, meaning lighting designed to protect a farm's products or other resources and to discourage trespassing and vandalism, shall be directed at the objects or areas to be protected.
4. Any temporary lighting used for short-term activities or short-term events shall be removed after the activity or event has ended.

(i) Signs

1. Types and examples
 - i. A commercial farm may use permanent and temporary signs to promote its on-farm direct marketing facilities, activities, and events.
 - ii. Examples of signs may include but are not limited to directional signs, advance signs, signs promoting the products available for sale, and facility, activity, and event signs.
2. General standards
 - i. Signs shall not interfere with sight distances at street intersections, ingress and egress points to or from parking areas, and other locations where the signs would pose a direct threat to public health and safety;
 - ii. Signs may be attached to farm buildings or fences if not freestanding;
 - iii. The use of signs shall comply with relevant federal or state laws and regulations;
 - iv. Internally-lit and neon-type signs are not eligible for Right to Farm protection;
 - v. Along the approach to the farm on the road on which the on-farm direct marketing facility, activity, or event is located, a commercial farm may install advance signs up to one half-mile away from the farm's entrance. Advance signs are designed to alert drivers of an approaching on-farm direct marketing facility, activity, or event and are generally located in close proximity to one another along the road approaching, and leaving, the site;

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- vi. Additional signs may be installed farther away at key intersections or other important locations;
- vii. Temporary signs promoting a seasonal on-farm direct marketing facility, activity, or event may be installed up to one month prior to the facility, activity, or event's seasonal opening and shall be removed within 15 days of seasonal closing;
- viii. A commercial farm shall obtain the permission of the appropriate landowner or easement holder when locating signs at road intersections or other off-farm locations.

3. Primary on-site farm business sign

- i. A commercial farm's primary on-site farm business sign shall comply with the following standards:
 - (1) The sign is set back at least 10 feet from the paved portion of the street right of way;
 - (2) The maximum size does not exceed 30 square feet;
 - (3) The maximum height to the top of the sign does not exceed 15 feet from the ground;
- ii. A commercial farm with frontage on multiple roads may install one (1) primary on-site farm business sign on each additional road frontage in accordance with the requirements of this section.

4. Extent and size

- i. A commercial farm's on-farm direct marketing facility, activity, and event signs shall meet the following criteria:
 - (1) The total combined square footage of the signs does not exceed 160 square feet;
 - (2) The maximum size of any one sign is 16 square feet.
- ii. The provisions of this section do not apply to the commercial farm's primary on-site farm business sign(s), commercial billboards, New Jersey Department of Transportation Tourist Oriented Directional Signage (TODS), and signs within the interior of the farm that are not intended to be visible from a public right of way.

(j) Relevant federal or state laws and regulations

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1. On-farm direct marketing facilities, activities, and events shall comply with relevant federal or state laws and regulations, including but not limited to:
 - i. Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39, et seq.
 - ii. New Jersey Uniform Construction Code, N.J.A.C. 5:23-1.1, et seq.
 - iii. Stormwater Management rules, N.J.A.C. 7:8-1.1, et seq.
 - iv. State Highway Access Management Code, N.J.A.C. 16:47-1.1, et seq.
 - v. Sanitation in Retail Food Establishments and Food and Beverage Vending Machines, N.J.A.C. 8:24-1.1, et seq.

(k) Additional on-farm direct marketing facilities, activities, and events

1. If a CADB or the SADC determines that the agricultural management practices set forth above do not adequately address any aspect of an on-farm direct marketing facility, activity, or event being considered for protection under the Right to Farm Act, N.J.S.A. 4:1C-1 et seq., the CADB or SADC shall decide whether those aspects of the commercial farm operation comply with generally accepted agricultural operations or practices and whether they are eligible for Right to Farm protection.
2. This agricultural management practice does not preclude a CADB or the SADC from recommending site specific agricultural management practices for on-farm direct marketing facilities, activities, and events pursuant to N.J.A.C. 2:76-2.3 and 2.4, provided such site specific agricultural management practices are consistent with the practices set forth above.